

VARIANCE APPLICATION

WOODBURN COMMERCIAL

Assessor's Map
05 2w 12BC

Tax Lots
6600

October 7, 2014



Table of Contents

	Page Numbers
Variance Application Information	3 - 4
Written Narrative	5 - 7
Conclusion	7
Attachments	
Attachment A	3.06 Landscaping Screening (Woodburn Development Ordinance)
Attachment B	Zoning Map
Attachment C	Air Photo
Attachment D	Street View North

October 7, 2014

VARIANCE APPLICATION

Project Name

Woodburn Commercial

PROPERTY OWNER / APPLICANT

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The following specific proposal information is from the Variance Application Packet.

MAP and TAX LOT

<u>Assessor's Map</u>	<u>Tax Lot</u>	<u>Current Zoning</u>
05 2W 12BC	6600	CG

DESCRIPTION OF THE PROPOSAL

The site is located at 3001 West Newburg Highway, Woodburn, Oregon and consists of approximately 5 acres. Robin Avenue borders the property on the north, Arney Road to the east, Woodland Avenue to the west and State Highway 219 to the south. The property was previously occupied by a Chevrolet vehicle dealership and has also operated as an Enterprise Rent-a-Car. The existing 30,000 sf building was recently removed with a Demolition Permit. The site is located in close proximity to the Woodburn Company Stores and associated retail uses located to the east. There are single family neighborhoods to the west and north.

In 2012 the property was rezoned from CG with an overlay zone that limits the commercial development opportunities to land uses that are primarily auto oriented to CG. The current owner, through the Design Review III application (submitted concurrently) plans to develop the property with commercial / retail tenants. The buildings will primarily contain retail tenants with the exception of the building in the northwest corner. That building is proposed as a First National Taphouse, a sit down restaurant and brew pub. There is also a small drive through facility located in the building at the southwest corner that may sell coffee / food.

REQUIRED SUBMITTALS

The written statement follows the Site Plan Requirements list below.

1. Uniform Application

Previously submitted with the Design Review III submittal.

2. Site Plan

Previously submitted with the Design Review III submittal.

3. Architectural Drawings (floor plan and elevations)

Variance does not involve a building.

4. Narrative demonstrating compliance with the criteria of the Woodburn Development Ordinance.

See Written Narrative following this list.

- a. Section 2.1 – Zoning district regulations of the relevant zone
- b. Section 5.03.12 Variance

5. Latest recorded deed(s) for the subject property, or the recorded sales contract.

Previously submitted with the Design Review III submittal.

6. Notification area map and mailing labels

Previously submitted with the Design Review III submittal.

7. Filing Fee

Submitted with application

WRITTEN NARRATIVE

VARIANCE

The following is the written statement responding to the Variance criteria demonstrating compliance with the Woodburn Development Ordinance.

- a. Section 2.01 – Zoning district regulations of the relevant zone
This property is zoned CG therefore the relevant zoning district regulations are found under section 2.03 Commercial Zones.

All criteria in this section are addressed in the Design Review Application III submitted concurrently with this application.

5.03.12 **Variance**

- A. The purpose of this Type III Variance is to allow use of a property in a way that would otherwise be prohibited by this Ordinance. Uses not allowed in a particular zone are not subject to the variance process. Standards set by statute relating to siting of manufactured homes on individual lots; siding and roof of manufactured homes; and manufactured home and dwelling park improvements are non-variable. *This is a request for relaxation of the standards that requires an Architectural Wall 6' – 7' in height when a property zoned CG is adjacent to property zoned RS. This requirement is found in Section 3.06.05 Screening. See attached section from the Ordinance.*

Directly across Robin Avenue on the northeast portion of the development site is property zoned RS. See Site Plan Sheet L3.0. Zoning boundaries are indicated on plan. See also Zoning Map, Attachment B. See Air Photo Attachment C showing distance from project site to residential property (manufactured home park).

- B. Criteria: A variance may be granted to allow a deviation from development standard of this ordinance when the following criteria are met:
 1. Strict adherence to the standards of this ordinance is not possible or imposes an excessive burden on the property owner, and
Strict adherence to the standards of this ordinance is not possible for the majority of the length of the area where the architectural wall is required. Site distance standards for safe egress from the property, (as per the Transportation Assessment letter by Kittelson & Associates, Inc. Page 7, submitted with the Design Review III application) recommend that for a certain area there can be no site obstructions taller than 30 inches. See Site Plan Sheet L3.0. A site distance line has been indicated on the drawing. It is measured from a point 14 ½ feet back to a place in the center of the oncoming lane.

“Due to the horizontal curvature of Robin Avenue along the north site frontage, it is important to ensure that there is an adequate departure sight triangle for the northbound left and right turn exiting lanes. The departure sight triangle for each movement is shown in Figure 2. To ensure the maximum amount of intersection sight distance for these two movements, it is recommended that all street trees and above ground utilities be kept clear of the departure sight triangles and that any landscaping be limited to low lying ground cover.”
 2. Variance to the standards will not unreasonably impact existing or potential uses or development on the subject property or adjacent properties.
Relaxing the standards for requiring the architectural wall will have a positive impact on both the development on the site and the adjacent properties. The architecture of the proposed building,

located in the area that would require the wall, is an attractive building. The facade facing the residential area (as well as the other 3 facades) has a variety of elements that make it pleasing to look at, to include but not limited to:

- 30% glass*
- A variety of high quality materials (stone, wood, stucco, steel, etc.)*
- Building articulation (both horizontally and vertically)*
- Architectural lighting, accents and highlights*

That side of the building acts as a more attractive wall than the required wall as it is integrated into the building and doesn't stand out as a separate element in the landscaping acting as a barrier to the site instead of an amenity to the site.

In addition to the architecture, there is landscaping and the addition of large scale street trees. This landscaping is carried throughout the development site and helps tie the site together on a visual level. Maintaining this landscaping across the entire north boundary, without interrupting it with a 6' – 7' wall, will bring more continuity to the view of the north side of the property and be more aesthetically pleasing than a stand-alone masonry wall found nowhere else on the 5 acre development site.

C. Factors to Consider: A determination of whether the criteria are satisfied involves balancing completing and conflicting interests. The factors that are listed below are not criteria and are not intended to be an exclusive list and are used as a guide in determining whether the criteria are met.

1. The variance is necessary to prevent unnecessary hardship relating to the land or structure, which would cause the property to be unbuildable by application of this Ordinance. Factors to consider in determining whether hardship exists, include:
 - a. Physical circumstances over which the applicant has not control related to a piece of property involved that distinguish it from other land in the zone, including but not limited to, lot size, shape and topography.

The shape of the land is part of the equation when understanding why approving the variance would be appropriate. Safety standards for site distance lines (see Site Plan Sheet L3.0) on Robin Avenue indicate that at the posted speeds the safe distance for cars leaving the site and being able to see cars approaching from the west is as shown on the plan. Because of the shape of the north side of the land the site distance line cuts through the site where the 6' – 7' architectural wall might have been.
2. Development consistent with the request will not be materially injurious to adjacent properties. Factors to be considered in determining whether development consistent with the variance materially injurious include, but are not limited to:
 - a. Physical impacts such development will have because of the variance, such as visual, noise, traffic and drainage, erosion and landslide hazards.

See response to B2 above. The elimination of the requirement for an architectural wall will allow the architecture of the building to be seen as well as allow for continuity of landscaping across the entire north frontage. As shown on the air photo, the nearest building in the manufactured home park is 150 feet away and across a right of way. The residentially zone property also has mature vegetation which obscures some of the view into the development site. See Attachment D: View Looking North.
 - b. Incremental impacts occurring as a result of the proposed variance.

There are no apparent negative impacts as a result of this variance. Only positive results as discussed above. Therefore there should not be any incremental impacts as well. The vegetation will mature over time and only serve to make the view into the site more appealing. The attractive architecture serves to screen the adjacent property from the parking lot which is seen as a positive outcome.

3. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms or parks will not be adversely affected because of the variance.
There will be no negative impacts or adverse effects as a result of the relaxing of this standard. The attractive architecture serve as a more aesthetically pleasing wall than a 6' – 7' stand alone wall in the landscape.
4. Whether the variance is the minimum deviation necessary to make reasonable economic use of the property.
This factor is not a consideration.
5. Whether the variance conflicts with the Woodburn Comprehensive Plan.
This variance does not conflict with the Woodburn Comprehensive Plan.

Conclusion

Adding a 6'-7' wall between the residential property and the development site for a short portion of the site would create an element that:

- seems out of place relative to the high quality design and character of the site
- creates a barrier between uses as opposed to allowing a view of the attractive architectural building wall
- creates a lack of continuity in the north property line landscaping
- adds unnecessary costs to the project

Relaxing the requirement for the wall would:

- allow more eyes into the site for security and safety
- allows for landscaping that creates a more welcoming environment
- allows the architecture to be seen and provide a backdrop for the landscaping

Thank you for your consideration in this matter.

Respectfully submitted,
Schirmer Satre Group



Carol Schirmer
Owner